IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2006

CORAM:

THE HONOURABLE MR.JUSTICE S.J.MUKHOPADHAYA
AND
THE HONOURABLE MR.JUSTICE F.M.IBRAHIM KALIFULLA

W.P.Nos.19916 of 1999, 11395 of 2000, 19045 of 2001, 2877 and 6087 to 6090 of 2002 and 19994 of 2003 and W.P.M.P.No.24983 of 2003

M/s.Arunkumar Spinning Mill Ltd.,
Represented by its Managing Director,
Mr.A.Velusamy, No.570/2,
Kariyampalayam P.O.,
Annur-641 653, Coimbatore. .. Petitioner in W.P.No.19916 of 1999

vs.

The Superintendent,
Regulated Market,
Coimbatore Market Committee,
Annur-641 653, Coimbatore District. .. Respondent in W.P.No.19916 of 1999

Writ Petition No.19916 of 1999 filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorari, calling for the records of the respondent in connection with the order passed by him in his Proc.Ku.No.180/99, dated15.11.1999 and quash the same.

For petitioner in W.P.No.19916 of 1999 : Mr.G.Sethuraman
For respondent in W.P.No.19916 of 1999: Mr.G.Sankaran

WP 11395 of 2000

M/s. Elan Exports (India) Ltd
Kollam
rep by its Financial Manager
Panruti .. Petitioner

Vs

1. The State of Tamil Nadu
rep by its Commissioner and Secretary
to Government, Agriculture Department
Fort Saint George, Chennai - 9.

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2. The Cuddalore Marketing commissioner
rep by its Secretary
Judge Bungalow Road, T.B. Road,
Cuddalore - 7

3. The Superintendent (Special Grade)
Regulates Market
Panruti Taluk, Panruti ... Respondents

Petition under Article 226 of the Constitution of India to issue a writ of certiorarified Mandamus to call for the entire records in connection with the Impugned Order of the 3rd Respondent in Na.Ka. No. 145/2000 dated 05.06.2000 and quash the same and consequently for bear the respondents from in any way interfering with the rights of the petitioner to carry on the trade by levying and demanding market fee on the Stock transfer and Exports of the produce with out considering the claim for exemption under Section 24(1) of the Tamil Nadu Agriculture Marketing (Regulations) Act 1987.

For Petitioner : B. Rajendran

For Respondent : Mr. P.S. Raman Additional Advocate General I for Assist Mr. M. Dhanalakshmi AGP for R1
Ms. T. Kokilavani For R2, R3

WP NO. 19045/2001

Sri Ratna Lakshmi Spinners
Mills Pvt. Ltd
Sammandampalayam Perundurai
rep by its Director
T.R. Mahesh .. Petitioner

Vs

1. The State of Tamil Nadu
rep by its Secretary to
Government, Agriculture Department
Fort Saint George, Chennai - 9

2. The Regulates Market
Kunnathur Market Committee
Kunnathur, Perunthurai Taluk, Erode District
rep by its Superintendent ... Respondents

Petitions under Article 226 of the Constitution of India to issue a writ of certiorari calling for the records relating to the notice NO. 466/2001 dated 28/08/2001 of the 2nd Respondent quash the same is so far as the petitioner is concerned.

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For Petitioner: Mrs. R.S. Pandiyaraj
For Respondent I: Mr. P.S. Raman Additional Advocate General I
Assist by Mr. R. Dhndapandian, AGP For R1
II. Mr. S.T.S. Murthy

WP 2877 of 2002

M/s. P. Balraj and Co.,
rep by its Partner
P. Balraj, Panruti .. Petitioner

Vs

1. The State of Tamil Nadu
rep by its Secretary to Government
Department of Agriculture
Fort Saint George, Chennai - 8

2. The Superintendent
Regulates Market Committee
Panruti .. Respondents

Petition under Article 226 of the Constitution of India to issue a writ of certioari calling for the records relating to the proceedings fo the 2nd respodnent Na.Ka.NO.430/2001 dated 6.9.2001 demanding market fee on Black Gram and Green Gram purchased from other states for the period from 1.4.2000 to 31.3.2001 and quash the same as without authority of law and violative of principles of nature.

For Petition : Mr. K. Jayachandran
For Respondent I : Mr.P.S. Raman, Additional Advocate General I
Assistat by MR.M. Dhandapani AGP
For Respondent II : Mr.S. Kamadevan

W.P.No.6087/90 to 60690/02

Sri Santhalakshmi Mills Pvt Ltd.,
rep by its Managing Director,
M. Appusamy ... Petitioner in W.P.6087/2002

Appachi Cotton company
rep by its Managing Partner
C. Balaji ... Petitioner in W.P.6088/2002

Yesh Cotton rep by its
Managing Partner
Y. Ashok ... Petitioner in W.P.6089/2002

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Urayar Cotton Company
rep by its Managing Partner
A. Lakshmanan ... Petitioner in W.P.6090/02

Vs

The Superintendent,
Comibatore Marketing committee,
Pollachi. ... Responent in W.P.Nos. 6087 /02
to W.P.6090/02

Petitions under Article 226 of the Constitution of India to issue a writs of Certiorarified calling for the records relating to the order of the respondent in KU NO. 18/2001 dated 26.11.2001 demanding market fee for the purchase of cotton made from outside the state of Tamil Nadu and brought the same to the respondents notified area for the purpose of transport or sale to outside the state of Tamil Nadu and quash the same and consequently direct the respondent to issue permits to re petitioner so as to enable them to carry on the business.

For Petitioner : Mr. Palani Selvaraj
(All Writ Petitions)

For Responsdents : Mr. S. Kamadevan (All Writ Petitions)

WP NO. 19994/03

Veejay Lakshmi Textile
Limited, NGO Colony PO
rep by its Authorised signatory
K. Ponnuswamy .. Petitioner

Vs.

1. The State of Tamil Nadu
rep by its Secretary to Government
Department of Agriculture
Fort Saint George, Chennai - 9

2. The Superintendent,
Regulates Market,
Coimbatore Market Committee,
Sirumugai Road, Shastri Nagar,
Karamadai - 641 104 ... Respondents

Petition under Article 226 of the Constitution of India to issue a writ of Certiorari calling for the records of the 2nd Respondent in his letter No. F23/03-04 dated 03.06.2003 relating to levying of market bar for cotton and quash the same in so far as the petitioner is concerned

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For Petitioner Mr.R.S. Pandiyaraj
For Respondent NO. I: Mr. P.S. Raman
Additional Advocate General No. I
Assisted by Mr. M. Dhandapani, AGP for R1
For Respondent NO. II: Mr.R.N. Chandrasekaran

ORDER

(The Order of the Court was made by S.J.Mukhopadhaya,J.)

The writ petitions have been preferred by the petitioners against the impugned orders, wherein the Market Committee levied market fee for the goods in question.

2. Learned Additional Advocate General appearing for the State referred to Section 60 of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, wherein provision for Revision has been made. It was pointed out that the Government may call for and examine the record of any market committee in respect of any proceeding to satisfy themselves as to the regularity of such proceedings or the correctness, legality or propriety of any decision and if in any case, it appears to the Government that any such decision should be modified, annulled, reversed or remitted for reconsideration, then, the Government may pass orders accordingly and under sub-section (2) to Section 60, the Government may stay the execution of any such decision pending the exercise of their powers under sub-section (1) of Section 60 of the Act in respect thereof.

3. Section 60 of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act reads as follows:

> "Section 60: Revision:
>
> (1) The Government may call for and examine the record of any market committee or the Board or of the Director or the Collector in respect of any proceeding to satisfy themselves as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order passed therein; and if, in any case, it appears to the Government that any such decision or order should be modified, reversed or remitted for reconsideration, then, the Government may pass orders accordingly:
>
> Provided that, before passing any order under this sub-section, the Government--
>
> (a) shall if such order is likely to be prejudicial to any person, give such person a reasonable opportunity of making his representations; and

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(b) may consult such authority or officer as they deem fit.

(2) The Government may stay the execution of any such decision or order pending the exercise of their powers under sub-section (1) in respect thereof."

4. In view of the fact that there is alternative remedy available to the petitioners, without giving any finding on merit, we allow the petitioners to prefer Revision before the State within four weeks from the date of receipt of a copy of this order and if any Revision is preferred by the petitioners, the State Government/competent authority will decide the case on merits after notice and hearing the petitioners and others, preferably within four months from the date of filing of such Revision. It will also be open for the petitioners to ask for appropriate interim order, if they are so advised.

5. The writ petitions stand disposed of with the aforesaid observations and directions. No costs. W.P.M.P. is closed.
cs

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To
1. The Secretary to Government,
Government of Tamil Nadu,
Agriculture Department,
Fort St. George, Chennai 9.

2. The Superintendent,
Regulated Martet,
Coimbatore Market Committee,
Annur 641 653.
Coimbatore District.

3. The Secretary,
The Cuddalore Marketing Committee,
Judge Bangalore Road,
T.B.Road Cuddalore.

4. The Superintendent,
[Special Grade],
Regulate Market,
Panruti Taluk, Panruti.

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5. The Superintendent,
The Regulate Market
Kunnathur Market Committee,
Kunnathur, Panruti Taluk,
Erode District.

6. The Superintendent,
Regulated Market Committee,
Panruti.

7. The Superintendent,
Coimbatore Marketing Committee,
Pollachi.

8. The Superintendent,
Regulated Market,
Coimbatore Market Committee,
Sirumugai Road,
Shastri Nagar, Karaikudi 641 104.

+ 1 CC To Mr.G.Sethuraman, Advocate SR NO.56383

+ 1 CC To Mr.T.Kokilavani, Advocate SR NO. 55581

+ 1 CC To Mr.S.T.S.Murthy, Advocate SR NO.56289

+ 2 CCs to Mr.S.Kamadevan, Advocate SR NO 55955, 55956

+ 1 CC To Mr. Palani Selvaraj, Advocate SR NO. 55729

+ 6 CCs to the Government Pleader SR NO 56115, 56104, 56107, 56105, 56106, 56095

NTK(Co)
NM, KK, K.M., GP

W.P.Nos.19916 of 1999,
11395 of 2000, 19045 of 2001,
2877 and 6087 to 6090 of 2002 and
19994 of 2003

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